
OLR Bill Analysis

sSB 1151

AN ACT CONCERNING SPECIAL PROVISIONAL PARDONS.

SUMMARY:

This bill creates special provisional pardons and authorizes the Board of Pardons and Paroles to issue them. Special provisional pardons are subject to the same rules as provisional pardons, but they automatically become absolute pardons if the person is not convicted of another crime during the:

1. three years after the board issues the special provisional pardon for a misdemeanor conviction or
2. five years after the board issues the special provisional pardon for a felony conviction.

As when the board grants an absolute pardon, the bill requires the board to notify the appropriate court clerk or Office of Chief Court Administrator when a special provisional pardon becomes an absolute pardon.

EFFECTIVE DATE: October 1, 2011

RULES FOR SPECIAL PROVISIONAL PARDONS

The bill applies the same rules and procedures to special provisional pardons as currently apply to provisional pardons.

Removing Barriers and Forfeitures

As with a provisional pardon, the bill authorizes a special provisional pardon to remove certain barriers or forfeitures to offenders obtaining employment or an occupational license due to the conviction of crimes named in the provisional pardon. By law, a "barrier" is the denial of employment or a license because of a criminal conviction without considering whether the nature of the crime bears a

direct relationship to the employment or license. A “forfeiture” is a disqualification or ineligibility for employment or a license by reason of law based on the offender’s criminal conviction.

A provisional or special provisional pardon can apply to all of the eligible barriers or forfeitures or it can specify particular ones. A provisional or special provisional pardon can specify types of employment or licenses for which the offender is otherwise qualified. But they do not apply to the right to hold or be eligible for public office.

Issuing a Special Provisional Pardon

As with a provisional pardon, the bill allows the board to issue a special provisional pardon any time after sentencing to a person who applies for one or who is under the board’s jurisdiction if (1) the person was convicted of a crime in Connecticut or another jurisdiction and resides in the state and (2) the relief in the provisional pardon may promote the public policy of rehabilitating ex-offenders through employment and is consistent with the public’s interest in safety and protecting property.

Additionally, as with a provisional pardon, the board:

1. can ask its staff to conduct investigations and report to the board;
2. must provide written notice to the clerk of the court where the person was convicted when it grants a provisional or special provisional pardon (which does not erase the conviction record and requires the person to disclose the conviction if required); and
3. can issue a new provisional or special provisional pardon to enlarge the relief granted.

Offenders on Probation or Parole

As with a provisional pardon, the bill makes a special provisional pardon temporary any time the offender is on probation or parole and

allows the board to revoke it for a probation or parole violation. The bill specifies that a special provisional pardon cannot become an absolute pardon if it is revoked under this provision.

Employment Protections

As with a provisional pardon, the bill prohibits employers from denying employment to a prospective employee or discharging or discriminating against an employee solely on the basis of a conviction that occurred before his or her employment for which the person received a special provisional pardon.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 42 Nay 0 (04/14/2011)